

Amdt. dated July 22, 2004
Reply to Office action of April 22, 2004

Serial No. 09/672,172
Docket No. STL920000080US1
Firm No. 0054.0035

REMARKS/ARGUMENTS

No new claims have been added. Claims 1-5, 7-13, 15-21, and 23-24 remain pending in this application. Reexamination and reconsideration of the application are respectfully requested.

Allowable Subject Matter

Claims 4, 5, 12, 13, 20 and 21 were allowed. Claims 7, 8, 15, 16, 22 and 23 were objected to as being dependent upon a rejected base claim but were indicated to be allowable if rewritten in independent form. However, it is believed that claims 7, 8, 15, 16, 22 and 23 as presented are allowable for the reasons set forth below.

Rejections under 35 U.S.C. § 103 of Claims 1-3, 9-11, and 17-19

The Examiner rejected claims 1-3, 9-11, and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over *Greenfield*, U.S. Patent No. 4,931,928, in view of *Cline et al.*, U.S. Patent No. 5,313,616. Applicants respectfully traverse this rejection for the reasons set forth below.

Claim 1 is directed to a "method of identifying a portion of computer program code as a candidate for a modification" comprising, *inter alia*, "providing for a query of the database to produce a set of potential candidates of computer program code meeting a constraint of the query, wherein the query identifies a portion of the computer program code as a candidate for re-implementation as a Web-enabling interface call." It is respectfully submitted that the Examiner's citations to the *Greenfield* or *Cline* references, considered alone or in combination provide no teaching or suggestion of such an operation.

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It is the Examiner's position that the Greenfield references discloses "identifying a portion of the computer program code as a ... Web-enabling interface call" citing "(Greenfield, col. 17, ll 63-68)." However, it is clear that the Examiner's citations to the Greenfield reference have no teaching or suggestion of a query which "identifies a portion of the computer program code as a candidate for re-implementation as a Web-enabling interface call" as required by claim 1. Instead, the portion of the Greenfield reference cited by the Examiner states:

Special-purpose query and report components can be created to match special database management components (such as for use by programmers), or the system might incorporate more general purpose query components matching the more general-purpose database systems. (Greenfield, col. 17, ll 63-68)

The Examiner's citations to the Cline reference are similarly deficient. Independent claims 9 and 17 may be distinguished in a similar fashion. Moreover, claims 2-3, 10-11, and 18-19 include additional limitations, which in combination with the base and intervening claims from which they depend provide still further grounds of patentability over the cited art. Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. § 103(a) rejections of claims 1-3, 9-11, and 17-19.

The Examiner has made various comments concerning the obviousness of certain features of the present inventions. Applicants respectfully disagree. Applicants have addressed those comments directly hereinabove or the Examiner's comments are deemed moot in view of the above response.

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For all the above reasons, Applicant submits that the pending claims 1-5, 7-13, 15-21, and 23-24 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0460.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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